

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

QUINCY DEMONE HODGE,)	
)	
Plaintiff,)	
)	
v.)	CV 321-040
)	
JACOB BEASLEY, Deputy Warden of)	
Security; TELFAIR STATE PRISON;)	
GEORGIA DEPARTMENT OF)	
CORRECTIONS; and, JERMAINE WHITE,)	
Warden,)	
)	
Defendants.)	

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

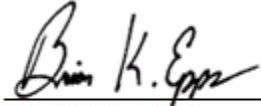
Plaintiff is proceeding *pro se* and has paid the \$402.00 filing fee. However, notwithstanding any filing fee, the amended complaint or any portion thereof may be dismissed if it is frivolous, malicious, or fails to state a claim upon which relief may be granted, or if it seeks monetary relief from a defendant who is immune to such relief. See 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). A claim is frivolous if it “lacks an arguable basis either in law or in fact.” Neitzke v. Williams, 490 U.S. 319, 325 (1989). “Failure to state a claim under § 1915(e)(2)(B)(ii) is governed by the same standard as dismissal for failure to state a claim under Fed. R. Civ. P. 12(b)(6).” Wilkerson v. H & S, Inc., 366 F. App’x 49, 51 (11th Cir. 2010) (*per curiam*) (citing Mitchell v. Farcass, 112 F.3d 1483, 1490 (11th Cir. 1997)).

As the Court previously explained, (doc. no. 10, p. 2), Plaintiff’s amended complaint supersedes and replaces in its entirety the previous pleadings filed by Plaintiff. See Hoefling v.

City of Miami, 811 F.3d 1271, 1277 (11th Cir. 2016). Plaintiff originally named Telfair State Prison and the Georgia Department of Corrections as Defendants. (See doc. no. 1.) However, Plaintiff's amended complaint no longer names either as a Defendant, and does not make any allegations associating the Prison or Department of Corrections as an entity with a purported constitutional violation. (See generally doc. no. 12.) Dismissal is therefore appropriate. See Douglas v. Yates, 535 F.3d 1316, 1321-22 (11th Cir. 2008) (“While we do not require technical niceties in pleading, we must demand that the complaint state with some minimal particularity how overt acts of the defendant caused a legal wrong.”); West v. Atkins, 487 U.S. 42, 48 (1988) (requiring in § 1983 case allegation of violation of right secured by Constitution or laws of United States by person acting under color of state law).

Accordingly, Court **REPORTS** and **RECOMMENDS** Defendants Telfair State Prison and the Georgia Department of Corrections be **DISMISSED** from this case. The Court still considers any claims against the individual Defendants Beasley and White.

SO REPORTED and RECOMMENDED this 1st day of October, 2021, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA